THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.27680 OF 2007

Date: 26.12.2007

Between:

T.Chandrasekhar

. . .Petitioner

AND

The Gudur Municipality and another

. . .Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.27680 OF 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of respondent No.1 in mutating the name of respondent No.2 in municipal records in place of Anthoti Venkata Subbaiah in respect of house bearing No.2-122 situated in N.R.Pet, Gudur, Nellore District, as illegal, arbitrary and mala fide. The petitioner also sought for a direction to respondent No.1 to replace the name of respondent No.2 with his name.

The petitioner claims to have purchased the above mentioned property under registered sale deed, dated 07.10.2006 from the original vendor. Respondent No.2 who claimed to have got a gift deed from the petitioner's vendor on 02.05.2007, approached respondent No.1 municipality seeking mutation of his name and respondent No.1 accepted the said request and mutated the name of respondent No.2. It is this action of respondent No.1, which is questioned in this writ petition.

Learned counsel for the petitioner submitted that since the petitioner has purchased the property under a registered sale deed on 07.10.2006, which is earlier in point of time than the alleged gift deed, which was purportedly executed on 02.05.2007, respondent No.1 ought not to have entertained the request of respondent No.2 and mutated his name in the municipal records.

I have carefully considered the submission of the learned counsel for the petitioner, but I am not inclined to accept the same. Whether the gift deed allegedly executed by Sri Anthoti Venkata

Subbaiah in favour of respondent No.2 prevails over sale deed, dated 07.10.2006 executed by him in favour of the petitioner or not raises a dispute, which is purely of civil nature and in my considered opinion, the same is required to be adjudicated by a competent civil Court and that the writ petition is wholly misconceived.

The writ petition is, therefore, dismissed giving liberty to the petitioner to approach the competent civil Court and in the event of petitioner succeeding in the civil suit, he is free to approach respondent No.1 with a request to mutate his name in the municipal records.

C.V.NAGARJUNA REDDY, J

26th DECEMBER, 2007

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